

Amendment and Response

Applicant: Robert Sesek

Serial No.: 09/887,833

Filed: June 21, 2001

Docket No.: 10006174-1 (H303.202.101)

Title: ELECTRONIC DOCUMENT SENDER SYSTEM AND METHOD WITH EXTERNAL ADDRESS ACCESS

REMARKS

The following remarks are made in response to the Office Action mailed June 20, 2005. Claims 1, 3-7, 9-15, 18, 19 and 23-25, were rejected. Claims 1, 3-7, 9-15, 18, 19 and 23-25, remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1, 3-7, 9, 10, 12, 13, 15, 18, 19, and 23-25 under 35 U.S.C. § 102(e) as being anticipated by Rhoads U.S. Patent Publication 2002/0142765 (Rhoads).

The earliest effective date of the Rhoads U.S. Patent Publication is its filing date March 30, 2001.

Accompanying this Response is a Declaration of Prior Invention under 37 C.F.R. 1.131 to establish conception of the subject matter of the present patent application prior to the effective reference date of March 30, 2001 of Rhoads, coupled with due diligence from prior to the effective reference date to the filing date of the present patent application (i.e., a constructive reduction to practice) on June 21, 2001. This Declaration is submitted to further prosecution of the present patent application and should not be construed as acquiescence by Applicant to the outstanding rejection. Accordingly, Applicant respectfully requests consideration of the Declaration of Prior Invention under 37 C.F.R. 1.131.

For these reasons, Applicant submits that Rhoads does not qualify as a reference against Applicant's application under 35 U.S.C. 102(e). Accordingly, Applicant respectfully requests that the rejection of claims 1, 3-7, 9-10, 12-13, 15, 18, 19, and 23-25 under Section 102 be reconsidered and withdrawn, and that claims 1, 3-7, 9-10, 12-13, 15, 18, 19, and 23-25 be allowed.

Claim Rejections under 35 U.S.C. § 103

In the Office Action, claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rhoads in view of Hattori et al. U.S. Patent No. 6,512,599 (Hattori). In the Office Action, claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rhoads in view of Besprosvan U.S. Publication 2002/0124057 (Besprovan).

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For substantially the same reasons as previously presented for the patentability of claims 1, 3-7, 9, 10, 12, 13, 15, 18, 19, and 23-25, Applicant submits that Rhoads does not qualify as a reference against Applicant's application under 35 U.S.C. § 102(e) and therefore does not qualify as a reference against Applicant's claims 11 and 14 under 35 U.S.C. § 103.

In addition, regarding claim 14, the Declaration of Prior Invention under 37 C.F.R. 1.131 establishes conception of the subject matter of the present patent application prior to the effective reference date of March 5, 2001 of Besprosvan, coupled with due diligence from prior to the effective reference date to the filing date of the present patent application (i.e., a constructive reduction to practice) on June 21, 2001. For these reasons, Applicant submits that Besprovan does not qualify as a reference against Applicant's application under 35 U.S.C. § 102(e) and therefore does not qualify as a reference under 35 U.S.C. § 103.

For these reasons, Applicant respectfully requests that the rejection of claims 11 and 14 under Section 103 be reconsidered and withdrawn, and that claims 11 and 14 be allowed.

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1, 3-7, 9-15, 18, 19 and 23-25 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1, 3-7, 9-15, 18, 19 and 23-25 is respectfully requested.

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No fees are required under 37 C.F.R. 1.16(b)(c). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 50-0471.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed Paul S. Grunzweig at Telephone No. (612) 767-2504, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 20th day of October, 2005.

By Paul S. Grunzweig
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